

### **REMARKS**

In the Office Action mailed on April 30, 2008, the Abstract was objected to under MPEP 608.01(b) because it exceeds 150 words in length. Claims 2-6 and 8-10 were rejected under 35 U.S.C. § 112 ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 1-10 were rejected under 35 U.S.C. § 102(b).

#### **Objection to the Abstract**

In the Office Action, the Abstract was objected to under MPEP 608.01(b) for exceeding 150 words in length.

In response, Applicants have amended the Abstract.<sup>1</sup> The amended Abstract includes less than 150 words. Applicants respectfully submit that the amended Abstract is based on and supported by the originally-filed Abstract. Thus, no new matter will be introduced by its entry.

Applicants believe that upon the entry of the amended Abstract, all of the Examiner's objections and concerns will have been fully addressed and corrected. As a result, Applicants respectfully request reconsideration and removal of any objection to the Abstract of the Specification.

#### **Summary of Claim Amendments**

Upon entry of this paper, claims 1-10 will be pending and under consideration. Claims 1-4, 6-8, and 10 have been amended. Support for the amendments to claims 1-4, 6-8, and 10 can be found in the claims as originally filed and in the original application at least at page 2, lines 29 to page 3, line 7; page 3, lines 16-19; and page 5, lines 10-13.

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<sup>1</sup> A clean version of the amended Abstract is provided as an attachment to this response.

**35 U.S.C. § 112, ¶ 2 Rejections**

Claims 2-6 and 8-10 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 was rejected because the limitation “the walls that define the filter chamber” lacks a clear antecedent. Claim 2 has been amended to recite “a wall that defines the filter chamber.” Accordingly, Applicants respectfully request reconsideration and the withdrawal of the rejection of claim 2.

Claim 3 was rejected because the limitation “the sealing surface” lacks a clear antecedent. Claim 3 has been amended to recite “a sealing surface.” Accordingly, Applicants respectfully request reconsideration and the withdrawal of the rejection of claim 3.

Claim 4 was rejected because the limitation “the sealing surface” lacks a clear antecedent. Claim 4 has been amended to recite “a sealing surface.” Accordingly, Applicants respectfully request reconsideration and the withdrawal of the rejection of claim 4.

Claim 5 was rejected as depending from rejected claim 2. Applicants have amended claim 2. Accordingly, Applicants respectfully request reconsideration and the withdrawal of the rejection of claim 5.

Claim 6 was rejected because the limitation “the service openings” and “the tubular housing” lack a clear antecedent. Applicants have amended claim 6 to recite “the metal housing is tubular and service openings are formed on end faces of the metal housing.” Accordingly, Applicants respectfully request reconsideration and the withdrawal of the rejection of claim 6.

Claim 8 was rejected because the limitation “the lids” lacks a clear antecedent. Applicants have amended base claim 1 to recite “a first lid” and claim 8 to recite “the first lid and a second lid.” Accordingly, Applicants respectfully request reconsideration and the withdrawal of the rejection of claim 8.

Claim 9 was rejected as depending from rejected claim 8. Applicants have amended claim 8. Accordingly, Applicants respectfully request reconsideration and the withdrawal of the rejection of claim 9.

Claim 10 was rejected because the limitations “one of the lids” and “the other of the lids” lack a clear antecedent. Applicants have amended claim 10 to recite “the first lid” and “the second lid.” Accordingly, Applicants respectfully request reconsideration and the withdrawal of the rejection of claim 10.

### **35 U.S.C. § 102 Rejections**

Claims 1-8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,847,819 to Firth (“Firth”). Claims 1-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,802,423 to Hemmingsen (“Hemmingsen”). Applicants respectfully disagree.

For a claim to be anticipated, the cited reference must teach or suggest each and every limitation in the claim. Applicants respectfully submit that Firth and Hemmingsen fail to disclose every element of Applicants’ independent claim 1 as amended.

Independent claim 1 is directed to a device for filtering fluids conveyed at high pressure. The device includes a metal housing having a rim portion that slopes away from a lid. The rim portion and the lid form a substantially linear sealing contact surface.

Firth discloses a sealing system for fluid filters. The sealing system includes a cover member 17, a housing 10, and an O-ring 18. See, e.g., col. 5, line 63 to col. 6, line 11; col. 6, lines 24-44; and Figure 3. The housing includes a cylindrical main wall portion 10a and an upper, inwardly sloping wall portion 10b. See, e.g., col. 5, lines 63-67 and Figure 3. The cover member 17 includes a flange 17c that, together with the wall portions 10a and 10b, defines an annular sealing chamber 9. See, e.g., col. 6, lines 1-5. The O-ring 18 is mounted in the sealing chamber 9 to provide a seal. See, e.g., col. 6, lines 24-44.

Firth, however, fails to teach a rim portion and a lid (e.g., cover member 17) that form a substantially linear sealing contact surface. Instead, Firth discloses a filter housing having an inwardly-sloping wall portion 10b terminating at an edge 11. The edge is not a

sealing contact surface. Indeed, Firth requires an O-ring for sealing because the contact between the edge and the lid “provides some sealing, but it is not sufficient to prevent oil from leaking into the sealing chamber.” See, e.g., col. 6, lines 25-35. Moreover, the rim portion and the cap do not form a substantially linear contact surface. Instead, the rim surface terminates at an edge 11, which contacts the lid. See, e.g., Figures 1 and 3. Therefore, Firth discloses a filter housing that forms a non-linear contact surface and requires an O-ring to provide a seal, and not a rim surface having a substantially linear sealing contact surface.

Hemmingsen discloses a filter for fine filtering of fluids especially fuel oils. The filter includes a filter body 2 disposed in a conical bore 5 of a filter housing 1. See, e.g., page 2, lines 2-6 and Figures 1 and 3. The filter housing is fastened to a nipple connection 3. See, e.g., page 2, lines 6-15. The nipple includes a sloping portion that contacts a body (unmarked, next to flange 17). See, e.g., Figures 1 and 3. The nipple and the body are in contact along the sloping portion of the nipple. See, e.g., Figures 1 and 3.

Hemmingsen, however, fails to teach Applicants’ claimed metal rim portion and metal lid that form a substantially linear sealing contact surface. Instead, Hemmingsen discloses a filter housing 1 that contacts a nipple connection 3 that contacts a body 17. See, e.g., page 2, lines 2-15 and Figures 1 and 3. The filter housing does not directly contact the body, and therefore cannot possibly teach “a sealing contact surface . . . between the first lid and the rim portion” of the housing as recited in Applicants’ claim 1. Even if the nipple connection were part of the filter housing, Hemmingsen still fails to teach every element of Applicants’ claim 1. First, Hemmingsen is silent as to the material of the nipple and thus cannot possibly teach or suggest a metal rim portion contacting a lid. Second, the sloping portion of the nipple does not include a substantially linear contact surface, as claimed by Applicants. Indeed, the sloping portion is angled along its entire length. Third, Hemmingsen is silent as to whether the contact between the sloping portion and the body forms a seal and thus cannot possibly teach or suggest a sealing contact surface between a metal rim portion and a lid, as claimed by Applicants.

In addition, Hemmingsen discloses a filter body 2 having a plain smooth surface 6 that contacts a pump housing, tank, or nipple 4. See, e.g., page 2, lines 2-9 and Figures 1

and 3. However, the plain smooth surface 6 does not “form an angle deviating from 90° with an adjacent inside surface and outside surface of the rim portion” as claimed in Applicants’ claim 1.

Accordingly, Hemmingsen fails to teach a metal rim portion and a metal lid that (a) form a substantially linear contact surface and (b) has a rim surface that forms an angle deviating from 90°.

In view of the foregoing, Applicants respectfully submit that neither Firth nor Hemmingsen teach every element of Applicants’ independent claim 1. Thus, Applicants respectfully request reconsideration and the withdrawal of the rejection of claim 1 and all of its dependent claims under 35 U.S.C. § 102(b).

### **CONCLUSION**

Applicants respectfully request favorable consideration of all pending claims. If the Examiner believes that a telephone conversation with Applicants’ attorney would expedite allowance of this application, the Examiner is invited to call the undersigned attorney at (617) 526-9869.

Respectfully submitted,

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